

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During Summer 2020 :  
Demonstrations :

**No. 20 Civ. 8924 (CM)(GWG)**

**AFFIDAVIT OF NEW YORK  
CITY POLICE DEPARTMENT  
ASSISTANT CHIEF THOMAS  
CONFORTI**

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THOMAS CONFORTI, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that  
the following is true and correct:

1. I am an Assistant Chief with the New York City Police Department (“NYPD”) and am presently the Commanding Officer of the Operations Bureau. In this capacity, my primary roles and responsibilities include overseeing the direction, management, and command of the Operations Bureau, developing and updating Citywide disaster response plans, and planning for and coordinating special projects and events, among other things.

2. While I have held the position of Commanding Officer of the Operations Bureau since October of 2021, I have held a variety of positions within the NYPD since joining in 1992. In the Summer of 2020, I was the Executive Officer of the Training Bureau and was temporarily assigned to the Operations Division.

3. I submit this declaration at the request of the New York City Law Department, attorneys for the Defendants herein, as directed by the Honorable Magistrate Judge Gabriel W. Gorenstein during the Court Conference on April 12, 2022 (*see* Transcript of 4/12/2022 Conference at 85:7-87:9), and in further support of Defendants’ opposition to Plaintiffs’ letter motion to Compel the

City of New York to produce documents related to a draft after-action review report that I prepared in the summer of 2020. (Dkt No.463; *see also* Dkt Nos. 481, 482-1.)

4. Beginning on May 28, 2020, protests relating to George Floyd began to occur on a regular basis in New York City (“City”).

5. In the end of June of 2020, then-Police Commissioner Shea tasked me with drafting a report reviewing the police response to those protests. During that time, I reviewed protests that had already taken place as well as those occurring on an ongoing basis.

6. The final version of my draft report reviewed police response to protests that occurred only between May 25 and June 30, 2020; it was approximately 46 pages in all.

7. In preparing my draft report, I reviewed statistical data and other information provided in the following types of documents (as issued or in effect as of May-June 2020):

- Complaint Reports
- Arrest Reports and C-summonses
- TRI reports
- MOS Aided Reports
- Detail rosters
- Training curricula & lesson plans
- Relevant Patrol Guide procedures
- Finest messages
- Intel daily protests sheets
- CJB arrest statistics
- MAPC spreadsheets
- Time records/overtime costs
- Aviation video
- ARGUS video
- CCRB complaints
- IAB logs
- Social media posts
- News articles and other media reports

8. Additionally, I performed informal interviews with approximately 100 members of the NYPD, including some who had already retired from service, mostly regarding their personal

impressions, opinions, and thoughts; all of these current and former NYPD members held ranks below that of 4-star chief, at the request of the Police Commissioner; this included Chief of Patrol, Borough Chiefs and Executive Officers, among others.

9. By “informal” interviews, I mean that they were unofficial and members of the service were not compelled to cooperate with this interview. Rather, it was part of my information gathering process to review the NYPD’s response to the George Floyd related protests. Some of the interviews were conducted in group settings, with as many as 25 NYPD uniformed members of the service and in those instances, names were not sought nor recorded, while other interviews were conducted on an individual basis. I did not record any of my conversations with these 100 or so individuals, either via audio or video. I often did not take any notes and to the extent that I did, they were memorialized within the electronic working draft of the report, contemporaneous to each interview. Other than through my own personal memory, there is no way to attribute any of the opinions expressed in my draft report to anyone I interviewed.

10. As I worked on my draft report, I incorporated my personal observations and opinions as to the efficacy of the existing NYPD protocols for responding to mass protests and other relevant policies and procedures, as well as my thoughts and suggestions for ways to amend certain of these policies and procedures going forward.

11. During the time I was preparing my draft report, I would check in with then-Commissioner Shea approximately every two weeks to provide him with an update as to my progress on the draft report and my ideas for changes in policies and protocols.

12. In a few instances, these regular check-ins resulted in real-time changes, such as the immediate adoption of my suggestion that the NYPD purchase fire extinguishers, known as “Cold Fire,” to place in police vehicles, so officers could quickly eliminate dangerous conditions

resulting from the frequent fires that had been occurring in police vehicles and elsewhere at protests and riots.

13. Around early August of 2020, I finished my draft report and sent copies of my final draft to then-Commissioner Shea and John Miller, Deputy Commissioner of Intelligence and Counterterrorism.

14. Shortly after that, this draft was circulated to a slightly larger group of executives within the NYPD, seeking comments and/or revisions; I received a great deal of input in response, including many suggested revisions, some of which I incorporated into an amended draft version that I reworked.

15. I never provided this reworked draft to then-Commissioner Shea.

16. To my understanding, my draft report was never finalized, accepted, or approved, and it was never published or released to the public or even to the entirety of the NYPD.

17. On Thursday, April 14, 2022, I provided a box of hard copy materials, all of which I'd amassed during my creation of the draft after-action report during the summer of 2020 and which I'd retained for safekeeping to members of the NYPD Legal Bureau for review. Also for their review, I produced to members of the NYPD Legal Bureau, on April 19, 2022, a USB flash drive containing electronic materials.

Dated: New York, New York  
April 19, 2022



THOMAS CONFORTI